

**Lao, Judy**

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**From:** Knapp, Michael  
**Sent:** Friday, September 07, 2018 3:20 PM  
**To:** 'Brian Quiros'; John Madzula  
**Subject:** RE: Kimberly Tisa Subpoena - Town of New Milford v. Standard Demolition Services

Brian,

Thank you for this confirmation. I have reached out to Ms. Tisa regarding availability on those dates. I'll get back to you as soon as I have more information there.

We will begin to gather the documents responsive to the subpoena duces tecum and process pursuant to the Freedom of Information Act.

We look forward to receiving further information as to why it is clearly in the interests of the Agency to allow Ms. Tisa's testimony.

Have a nice weekend,  
Mike

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Michael Knapp  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square  
Boston, Massachusetts 02109  
617-918-1053

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**From:** Brian Quiros [mailto:bquiros@garciamilas.com]  
**Sent:** Thursday, September 06, 2018 9:41 AM  
**To:** Knapp, Michael <Knapp.Michael@epa.gov>; John Madzula <jmadzula@garciamilas.com>  
**Subject:** RE: Kimberly Tisa Subpoena - Town of New Milford v. Standard Demolition Services

Mike: Following up on our conversation from yesterday –

1. In light of the fact that opposing counsel will not be available, this email serves as confirmation that we are not going forward with Ms. Tisa's deposition on September 14<sup>th</sup>.
2. You were going to check Ms. Tisa's availability for the following dates: October 11, 12, 15, 17.
3. I will forward you copies of the documents we have in our possession that we would like to have authenticated in PDF format.
4. Regarding the subpoena duces tecum issued to Ms. Tisa, pursuant to 40 C.F.R. 2.406 EPA is going to authenticate documents and proceed with the document request pursuant to the Freedom of Information Act.
5. It is understood that SDS has to make the argument – in writing – as to why Ms. Tisa's participation in any deposition is clearly in the interests of EPA.

Thank you,

Brian C. Quiros

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**From:** Knapp, Michael <[Knapp.Michael@epa.gov](mailto:Knapp.Michael@epa.gov)>

**Sent:** Tuesday, September 4, 2018 1:47 PM

**To:** John Madzula <[jmadzula@garciamilas.com](mailto:jmadzula@garciamilas.com)>; Brian Quiros <[bquiros@garciamilas.com](mailto:bquiros@garciamilas.com)>

**Subject:** Kimberly Tisa Subpoena - Town of New Milford v. Standard Demolition Services

John and Brian,

Following up on our conversation on 8/21, have you given any further thought as to how you would like to proceed with this subpoena? Again, consistent with EPA regulations at 40 C.F.R. § 2.401, et seq, EPA could respond to the subpoena duces tecum as a request under the Freedom of Information Act. If requested, EPA could authenticate documents provided pursuant to 40 C.F.R. § 2.406. Please confirm if you would like us to proceed with the document request pursuant to the Freedom of Information Act.

Additionally, unless it reaches the determination that it is clearly in the interests of the Agency to do so, Kimberly would also be instructed to refuse to provide any testimony, pursuant to 40 C.F.R. § 2.404. If you intend to seek to enforce the subpoena for Kimberly's testimony despite EPA's regulations, please let me know. In such event, the Agency will seek the assistance of the local U.S. Attorney's office at the deposition. We would appreciate knowing as soon as possible so that we have sufficient time to coordinate with the local U.S. Attorney's office if necessary.

Thank you,  
Mike

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Michael Knapp  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square  
Boston, Massachusetts 02109  
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